

GMA Certification Group

BUILDING SURVEYORS

ACN 150 435 617

Leaders in Building Certification Services

PLANNING DIVISION

P: 0438 755 374 E: Patrick.c@gmacert.com.au

P.O. Box 2760, Nerang Qld 4211



Our Ref: 20200021

Date: 4 March 2020

Douglas Shire Council
PO Box 723 Mossman
QLD 4873

Via Email: enquiries@douglas.qld.gov.au
Jenny.elphinstone@douglas.qld.gov.au

Dear Sir,

RE: RESPONSE TO INFORMATION REQUEST - APPLICATION FOR MATERIAL CHANGE OF USE (VETERINARY SERVICE) ON LAND LOCATED AT UNIT 9 AND 10, 17-19 OWEN STREET, CRAIGLIE (LOTS 9 & 10 ON SP212665)

COUNCIL REF: MCUI2020-3481/1

Reference is made to Councils Information Request pursuant to section 12.2 of the Development Assessment Rules, dated 27 February 2020, in respect of the abovementioned application.

Specifically, the following information was requested to complete the assessment of the application:

- Site plan that details the location and dimensions of the car parking spaces and landscaping associates with the development. The plan should indicate the area(s) of landscaping that will be removed.

In accordance with section 13.2 of the Development Assessment Rules please find attached the following:

- A copy of the officer's report to the Cairns Regional Council Ordinary Meeting 27 November 2008 concerning an application for the material change of use of the application site for the purpose of an undefined use (Consultancy –

www.gmacert.com.au

Planning, Landscape Architecture & Surveying Offices with working/storage area);

- A copy of the officer's report to the Cairns Regional Council Ordinary Meeting 22 January 2009 concerning a Negotiated Decision Notice for the application for the material change of use of the application site for the purpose of an undefined use (Consultancy – Planning, Landscape Architecture & Surveying Offices with working/storage area);
- A mark-up of the previously approved plans identifying the proposed landscaping to be removed and the previously approved car parking spaces.

As identified in the Planning Statement provided with the application material, the Craiglie business park, which contains the subject site, is the subject of a development approval for the purpose of a material change of use for a Service Industry Complex, reference MCUC 013/07, dated 20 July 2007. This approval provided for the construction of 10 service industry units and 16 on-site car parking spaces. Subsequent to construction, units 9 & 10 were the subject of an approval for a material change of use for the purpose of an undefined use (Consultancy – Planning, Landscape Architecture & Surveying Offices with working/storage area). This latter approval was granted by Council on 27 November 2008, reference 8/37/93 and was the subject of the negotiated decision on 22 January 2009.

The attached reports provide plans of the approved car parking and the approved landscaping plan. It is not proposed to amend that car parking layout previously approved as part of this application. The approved car parking layout provides for the five (5) car parking spaces required by the Planning Scheme for the proposed use. In respect of the landscaping, the approved landscaping plans do not show the area adjacent the Pioneer Close façade of the building as being landscaped. This is shown on the landscape plans as what appears to be a kerb only. Notwithstanding, this area has subsequently been landscaped with a low hedge and it is this hedge that is proposed to be removed to facilitate the new front door, as identified in the Planning Statement submitted with the application. The attached mark-up of the previously approved plans highlight the area of landscaping to be removed and the location of the previously approved car parking. In summary, the proposal would not alter the previously approved landscaping plan or the previously approved and existing car parking arrangements, which have been determined to satisfy planning requirements.

We also note that Council have provided advice on respect of the Community Management Statement. We would like to thank Council for bringing this to our attention and confirm that this is outside of the Development Assessment process. Notwithstanding, the matter is in the process of being resolved with the Body Corporate.

In giving this response we also advise that we wish Council to proceed with the assessment of the application under section 13.3 of the Development Assessment Rules, effectively ending the applicant-response period.

GMA Certification Pty Ltd

We look forward to receiving your advice in respect of the proposal as soon as possible; should you have any queries regarding this matter please do not hesitate to contact the undersigned on 0438 755 374 or by email Patrick.c@gmacert.com.au

Kind Regards,

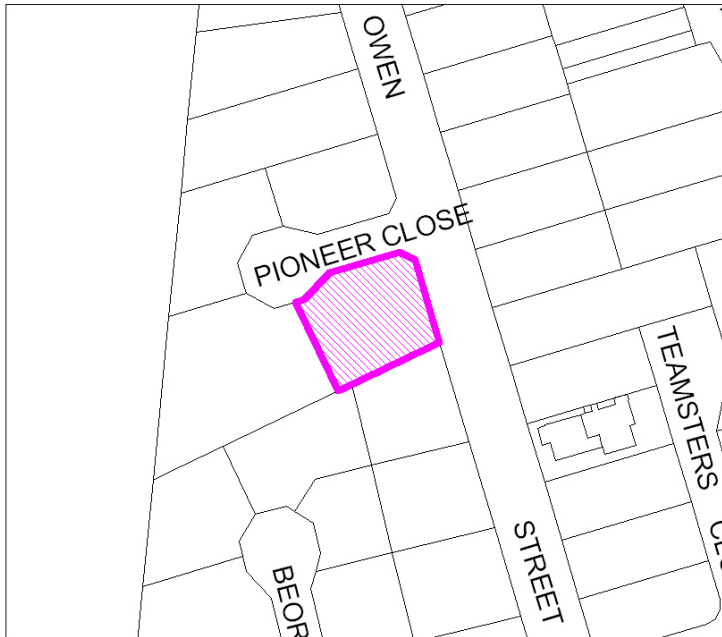
Patrick Clifton
PLANNING MANAGER
GMA CERTIFICATION GROUP

ORDINARY COMMITTEE 27 NOVEMBER 2008	13
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**MATERIAL CHANGE OF USE APPLICATION FOR UNDEFINED USE
(CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE &
SURVEYING OFFICES WITH WORKING/STORAGE AREA) – OWEN
STREET CRAIGLIE – DIVISION 10**

Michelle Henderson: 8/37/93: #1688772

<u>PROPOSAL:</u>	UNDEFINED USE (CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE & SURVEYING OFFICES WITH WORKING/STORAGE AREA)
<u>APPLICANT:</u>	CONICS (CAIRNS) PTY LTD PO BOX 1949 CAIRNS QLD 4870
<u>LOCATION:</u>	OWEN STREET CRAIGLIE 4877
<u>PROPERTY:</u>	LOT 9 ON RP201317 (UTILISING SHEDS 9 & 10)
<u>LOCALITY:</u>	PORT DOUGLAS AND ENVIRONS
<u>PLANNING AREA:</u>	INDUSTRY (SERVICE INDUSTRY PRECINCT)
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2006
<u>REFERRAL AGENCIES:</u>	DEPARTMENT OF MAIN ROADS
<u>NUMBER OF SUBMITTERS:</u>	NO SUBMISSIONS WERE RECEIVED
<u>STATUTORY ASSESSMENT DEADLINE:</u>	EXPIRED
<u>DIVISION:</u>	10
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. APPROVED PLAN(S) & DOCUMENT(S) 2. DEPARTMENT OF MAIN ROADS CONDITIONS

LOCALITY PLAN**RECOMMENDATION:**

That Council approve the above Development Application for a Material Change of Use for the purpose of an Undefined Use (Consultancy – Planning, Landscape Architecture & Surveying Offices With Working/Storage Area) – Lot 9 on RP201317 described as Owen Street Craiglie, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan		
Conics Office Floor Plan	WD_01	5 September 2008
Landscaping Plan		

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual; and

Except where modified by these conditions of approval

Limitation of Approval

- 2. This approval is limited to the establishment of the land use described as Planning, Landscape Architecture & Survey Offices with associated equipment storage areas only as detailed in Development Application 8/37/93. The approval does not permit the establishment of land uses described as Business Facilities or any other land use other than those intended to establish within the Service Industry Precinct as detailed in the Planning Scheme.**

Timing of Effect

- 3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.**

Lawful Point of Discharge

- 4. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

Water Saving

- 5. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.**

Liquid Waste Disposal

- 6. At all times liquid wastes must be disposed of to the satisfaction of Cairns Water in accordance with the Environmental Management Plan for Trade Waste.**
- 7. Vehicles can only be washed onsite when undertaken in association with a suitable interceptor facility with the capacity to deal with the wastewater generated.**

Details Of Development Signage

- 8. The development must provide clear and legible signage incorporating the street number.**

Advertising Signage

9. An Operational Works approval is required for any advertising signage proposed in association with the development. Signs on the subject land must conform with Council's Planning Scheme and Policies, to the requirements and satisfaction of the Chief Executive Officer.

Street Numbering

10. The development must provide clear and legible signage incorporating the street numbers on letterboxes and the kerbside for the benefit of the motoring public.

Storage of Machinery & Plant

11. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Vehicle Parking

12. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces to be accommodated onsite and where necessary on the adjoining Lot 8. Evidence of a lease agreement (or similar) for vehicle parking on Lot 8 is to be provided to Council's Chief Executive Officer. The use shall cease to have effect upon cessation of the car parking agreement.
13. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

EXECUTIVE SUMMARY:

Council is in receipt of an application for a Development Permit for a Material Change of Use (Impact Assessable) for Undefined Use (Consultant Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) on land located at Owen Street, Craiglie and more properly described as Sheds 9 & 10 on Lot 9 on SP201317.

PLANNING CONSIDERATIONS:

Background

Lot 83 on SR724, the parent property, was the subject of a Combined Application, reference number CA 61 which was approved 7 August 2007. The approval for CA 61 created lots 1-23, enabling a Material Change of Use for proposed lots 2 to 21 to be used in accordance with the requirements of Special Management Area 3 (Service Industry Precinct – Craiglie). Lot 9 is the subject of this application.

On 20 July 2007 Council approved a Negotiated Decision Notice for a Material Change of Use for a Service Industry Complex, reference number MCUC 013/07. Construction of the approved development has now been completed. The development was for 1245m² of net lettable area of Service Industry use, comprising of a total of ten (10) Sheds, sixteen (16) onsite car parks and landscaping in accordance with the Douglas Shire Planning Scheme.

Proposal

The proposal is for an Undefined Use (Consultancy Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) in the Service Industry Precinct of Craiglie. The proposal pertains specifically to Sheds 9 and 10 on Lot 9 and involves the internal fitout of an existing approved structure located within an approved Service Industry Complex.

Douglas Shire Assessment

Douglas Shire Rural Areas and Rural Settlements Planning Locality		Code Applicability	Compliance
Locality	Port Douglas and Environs Locality Code	✓	Complies – see comment below
Planning Area	Industry Planning Area Code	✓	Complies – see comment below
Overlay Codes	Acid Sulfate Soils Code	✓	Complies
	Cultural Heritage and Valuable Sites Code	✗	Not applicable
	Natural Hazards Code	✗	Not Applicable - Low Risk Hazard
General Codes	Design and Siting of Advertising Devices Code	✓	None Proposed
	Filling and Excavation Code	✓	Complies
	Landscaping Code	✓	Complies – see comment below
	Natural Areas and Scenic Amenity Code	✗	Not applicable
	Reconfiguring a Lot Code	✗	Not applicable
	Vehicle Parking and Access Code	✓	Complies – see comment below

Compliance Issues

Undefined Use

It is noted that while Conics is a business and provides professional advice, Conics provides a range of other services which are not captured under the 'Business Facilities' land use. In particular, the quasi-industrial nature of activities associated with the surveying side of the business would make location in a general commercial precinct inappropriate. In addition the applicant has indicated that many of the surveying team are often out onsite rather than located in the office. Given the nature of the proposal the use was identified as an Undefined Land Use during prelodgement discussions. The proposed use will be established in an existing approved single storey building.

The proposed development is considered to be suitable in the proposed locality. The application has been recommended for approval, subject to reasonable and relevant conditions.

Landscaping

Landscaping for the entire site (Lot 9) was approved under a prior approval, reference no. MCUI 013/07. The landscaping provided under this approval complies with the Douglas Shire Planning Scheme and therefore is not required to be addressed further.

Vehicle Parking and Access

The quantity of vehicle parking onsite was approved under a prior approval, MCUC 013/07. The relevant Acceptable Solution (pertaining to Service Industry only) required a total of fourteen (14) vehicle parking spaces to be provided, and the applicant provided sixteen (16) spaces. Whereas the prior approval took into account only Service Industry use in the calculation of vehicle parking, the proposed new use also includes an Office component, which is a more intensive use in terms of vehicle parking. Under the Douglas Shire Planning Scheme, the development is identified as an undefined use. However given the nature of the proposal the development has been assessed against Business Facility provisions. The development requires the provision of seven (7) off-street parking spaces, at a rate of one (1) space per 25m² of net lettable area. There are two (2) vehicle parks onsite allocated for the exclusive use of the Applicant, bringing the total shortfall onsite to five (5) car parks.

The Applicant has undertaken negotiations with WAKS Development Pty Ltd and has proposed that the remaining vehicle parking be provided in the adjacent Lot 8. The approval will be conditioned requiring a total of seven (7) spaces and further requiring the Applicant to undertake an agreement with the owner of Lot 8 to ensure the continuing use of a portion of Lot 8 for the purpose of vehicle parking.

Future Intensification of the Use

In order to address the potential for future intensification of the use, a condition has been added to the approval stating that the approval is limited to the establishment of the land use described as Planning, Landscape Architecture & Surveying Offices with associated equipment storage areas only as detailed in Development Application 8/37/93 and the approved plan of development.

Water and Sewerage Headworks

Water and Sewerage Headworks for the proposed development were paid under approval reference no. CA 61, therefore no further headworks are applicable.

Michelle Henderson
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

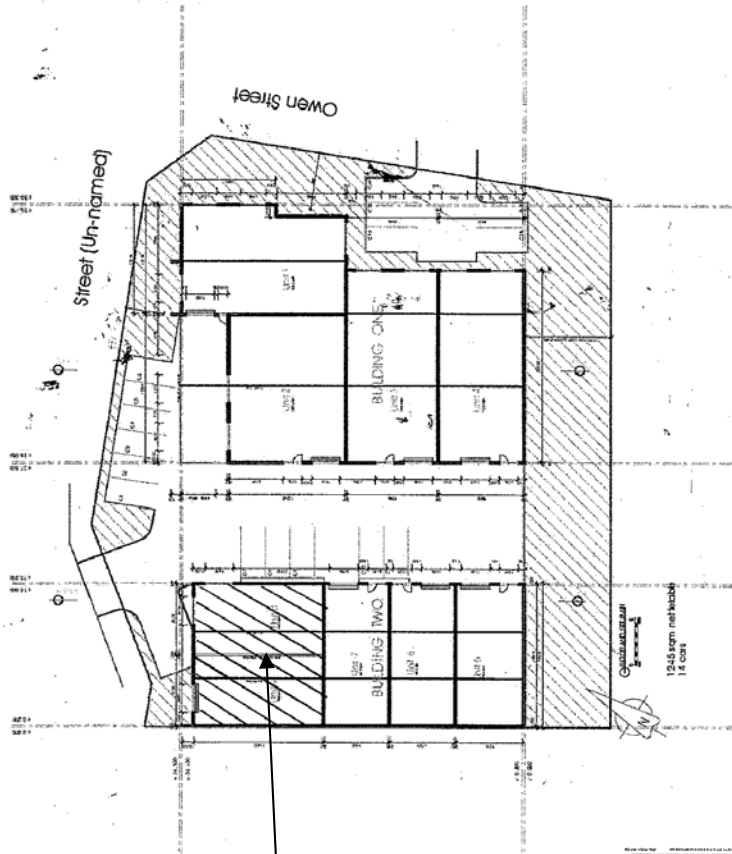
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)

Site Plan

Proposed
Service Industry Complex
Craggie
Site and Floor Plans



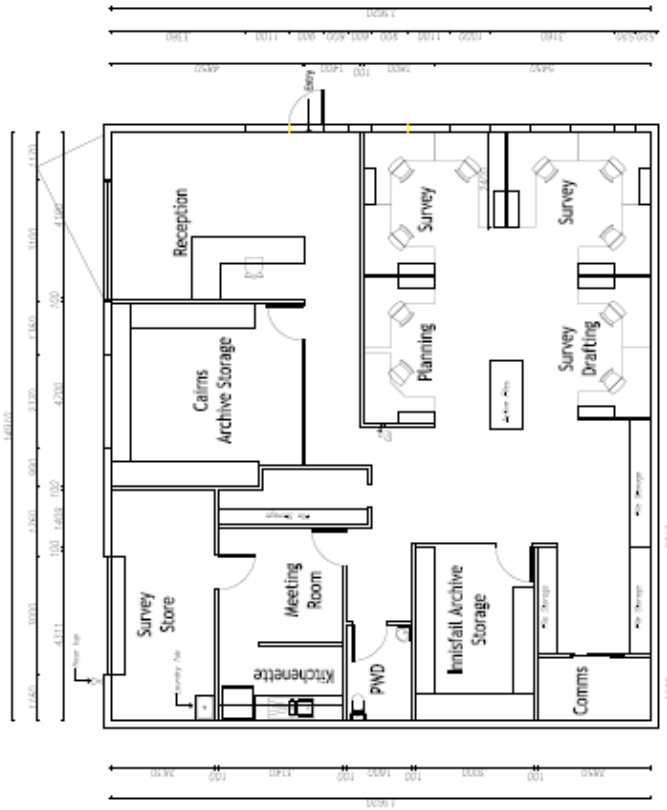
Penner Architecture
1000 10th Street, Suite 100
Edmonton, Alberta T6A 1A1
403.422.1111
www.pennerarchitecture.com



SUBJECT SITE – SHEDS 9 & 10

Floor Plan

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PROPOSED FLOOR PLAN
1:100
WD01

THE OFFICE
Office
Floor Plan
Scale: 1:100 @ A3
05.05.2008
WD_01

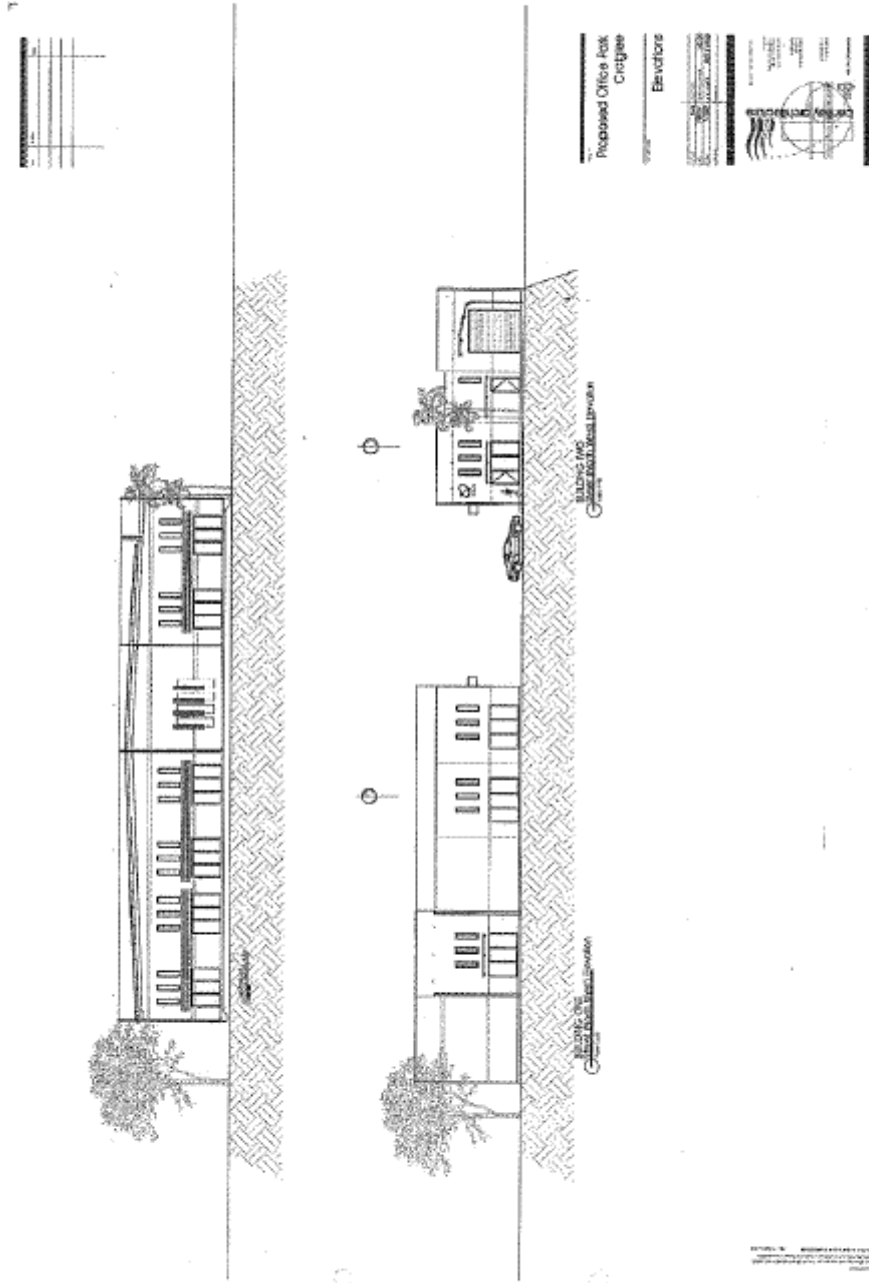
OFFICE
Offices C+B
Mossburn
Gwen Street
CRADLEE
Contact: Carolynn Solley
Phone: 07 3858 3309
Email: carolynsolley@gmail.com



PO Box 1676
TODDINGTON QLD 4066
Phone: 07 3858 3309
Email: carolynsolley@gmail.com

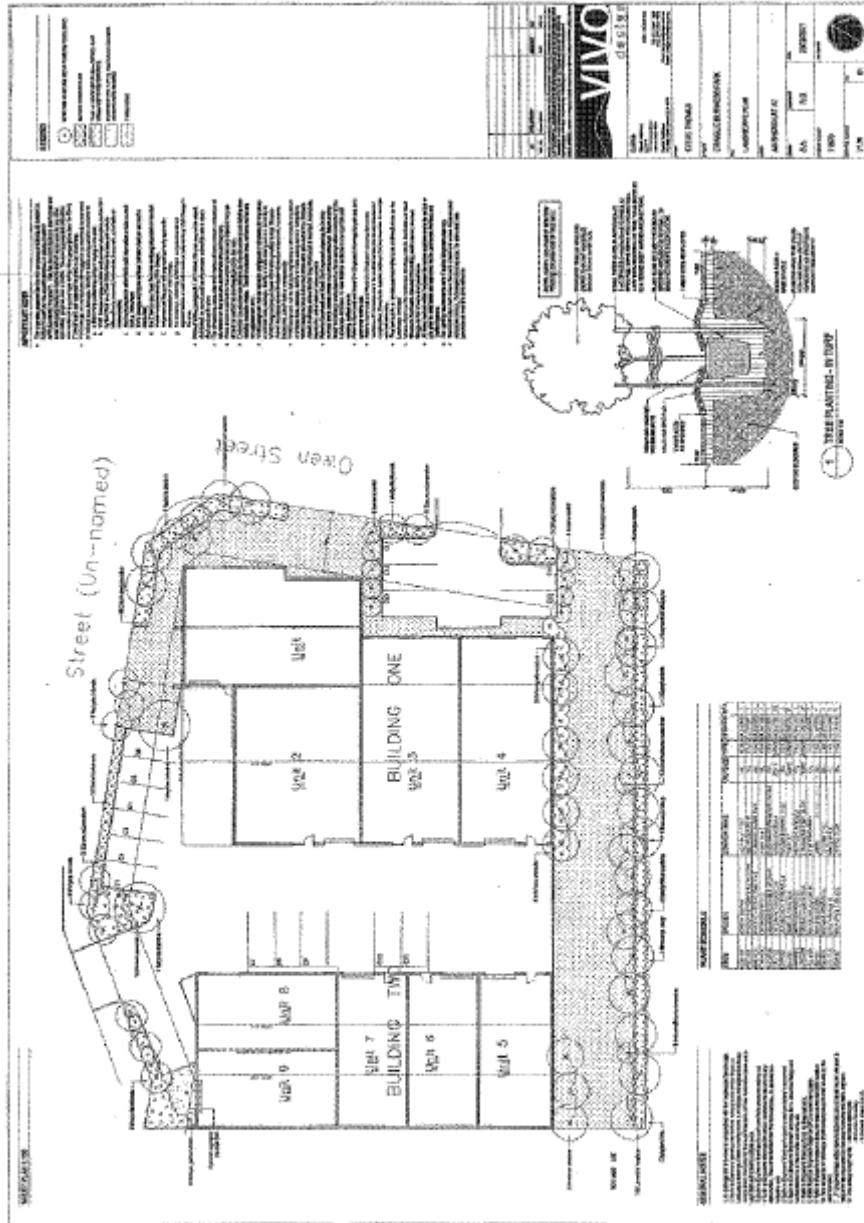
Elevations

Elevations



Landscape Plan

Landscape Plan



APPENDIX 2 CONCURRENCE AGENCY CONDITIONS

Department of Main Roads Conditions



Department of Main Roads

21 March 2007

Mr T Melchert
 Chief Executive Officer
 Douglas Shire Council
 PO Box 357
 Mossman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	TCU1
DOCUMENT NO.	23 MAR 2007
INSTRUCTIONS	
ATTENTION	TCU1
INFORMATION	

Dear Mr Melchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)
 Situated at Owen Street, Cairns
 Part Lot 83 on SR 724, Parish of Salisbury
 Wake Developments Pty Ltd
 Proposed Material Change of Use (Service Industry) Application
 Concurrence Agency's Response (conditions apply)

I refer to the above application received at the Department 20 March 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via Boor Street and Owen Street, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed at the western end of Dickson Street to prevent traffic linking between Owen Street and Dickson Street.
- (ii) No direct access between the State-controlled road reserve (i.e. Captain Cook Highway) and the subject land is permitted.

2. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

North Queensland Region
 Pastreco District
 PO Box 9185
 CAIRNS Queensland 4870
 ABN 87 835 737 711

Serial 4920A1032826.0281
 Year ref MCUC 01367
 Engineer MALCOLM HARDY
 Telephone 461 7 4939 4111
 Facsimile 461 7 4050 5490

DataWorks Document Number: 446285

-2-

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Application Referrals and Assessment Guide; and
- Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



David Hubner
MANAGER (TRANSPORT PLANNING) PENINSULA

ORDINARY MEETING 22 JANUARY 2009	48
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NEGOTIATED DECISION FOR MATERIAL CHANGE OF USE APPLICATION FOR UNDEFINED USE (CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE & SURVEYING OFFICES WITH WORKING/STORAGE AREA) – OWEN STREET CRAIGLIE – DIVISION 10

Michelle Henderson: 8/37/93: #1932106

PROPOSAL: UNDEFINED USE (CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE & SURVEYING OFFICES WITH WORKING/STORAGE AREA)

APPLICANT: CONICS (CAIRNS) PTY LTD
PO BOX 1949
CAIRNS QLD 4870

LOCATION: OWEN STREET, CRAIGLIE 4877

PROPERTY: LOT 9 ON RP201317 (UTILISING SHEDS 9 & 10)

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: INDUSTRY (SERVICE INDUSTRY PRECINCT)

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2006

REFERRAL AGENCIES: DEPARTMENT OF MAIN ROADS

NUMBER OF SUBMITTERS: NO SUBMISSIONS WERE RECEIVED

STATUTORY ASSESSMENT DEADLINE: NOT APPLICABLE

DIVISION: 10

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. DEPARTMENT OF MAIN ROADS CONDITIONS

LOCALITY PLAN**RECOMMENDATION:**

That Council refuse the Request for a Negotiated Decision for the development application for an Undefined Use (Consultant Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) over land described as Lot 9 on RP201317, located at Owen Street, Craiglie, on the following grounds:

- a. Condition 12 is considered to be reasonable and relevant.

EXECUTIVE SUMMARY:

On the 27 November 2008 Council approved a Development Application for an Undefined Use (Consultant Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) on land located at Owen Street, Craiglie subject to conditions. The applicant seeks an amendment to Condition 12, which pertains to the provision of vehicle parking.

PLANNING CONSIDERATIONS:

Condition 12 currently reads:

The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces to be accommodated onsite and where necessary on the adjoining Lot 8. Evidence of a lease agreement (or similar) for vehicle parking on Lot 8 is to be provided to Council's Chief Executive Officer. The use shall cease to have effect upon cessation of the car parking agreement.

Applicant's Comment

The Applicant requests that Condition 12 be amended to read:

A minimum of six (6) spaces to be accommodated onsite as illustrated on Conics drawing 9497-2.

The Applicants request is based on a proposed car parking plan, drawing number 9497-2 which is attached at Appendix 2. The proposed car parking plan indicates that there are a total of six (6) exclusive use parking spaces at the disposal of the Applicant. The proposed plan submitted by the Applicants indicates that in addition to the three (3) car parking spaces located to the front of Unit 10, three (3) additional vehicle spaces can be accommodated in the area identified as Exclusive Use Area J. The Applicants submit that the six (6) car parks indicated, in addition to the two (2) 'common' car parks provided for the entire complex will be sufficient for the proposed use.

In addition the Applicants put forward that Conics have a large proportion of 'field vehicles' which are not on site for the majority of any particular business day and that a large number of Conics staff travel to and from work in vehicles that are used for 'field' purposes, and are thus off site for the majority of any given business day. Lastly, the Applicants suggest that a large proportion of the use consists of storage, which does not generate a high level of demand for parking spaces.

Officer's Comment

The basis of the Applicants request to amend Condition 12 is the assertion that the area identified as Exclusive Use Area J (EUA J) on proposed car parking plan 9497-2 is for the exclusive use of Conics and therefore is able to be utilised for the purpose of additional car parking.

On 20 July 2007 Council approved a Negotiated Decision Notice for a Material Change of Use for a Service Industry Complex, reference number MCUC 013/07. Construction of the approved development has now been completed. The approval was for 1245m² of net lettable area of Service Industry use, comprising of a total of ten (10) Sheds, sixteen (16) onsite car parks and landscaping in accordance with the Douglas Shire Planning Scheme. The approved site plan is attached at Appendix 1 of this report.

The existing approval indicates that the area (which has been identified by the Applicants as Exclusive Use Area J) is designated on the approved plan of development as an onsite driveway and loading area.

In referring to the Douglas Shire Planning Scheme, Performance Criterion P15 of the Vehicle Parking and Access General Code requires on-site driveways, manoeuvring areas and vehicle parking/standing areas are designed, constructed and maintained such that they are available at all times they are required. Further, the relevant Acceptable Solution states that "...parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking".

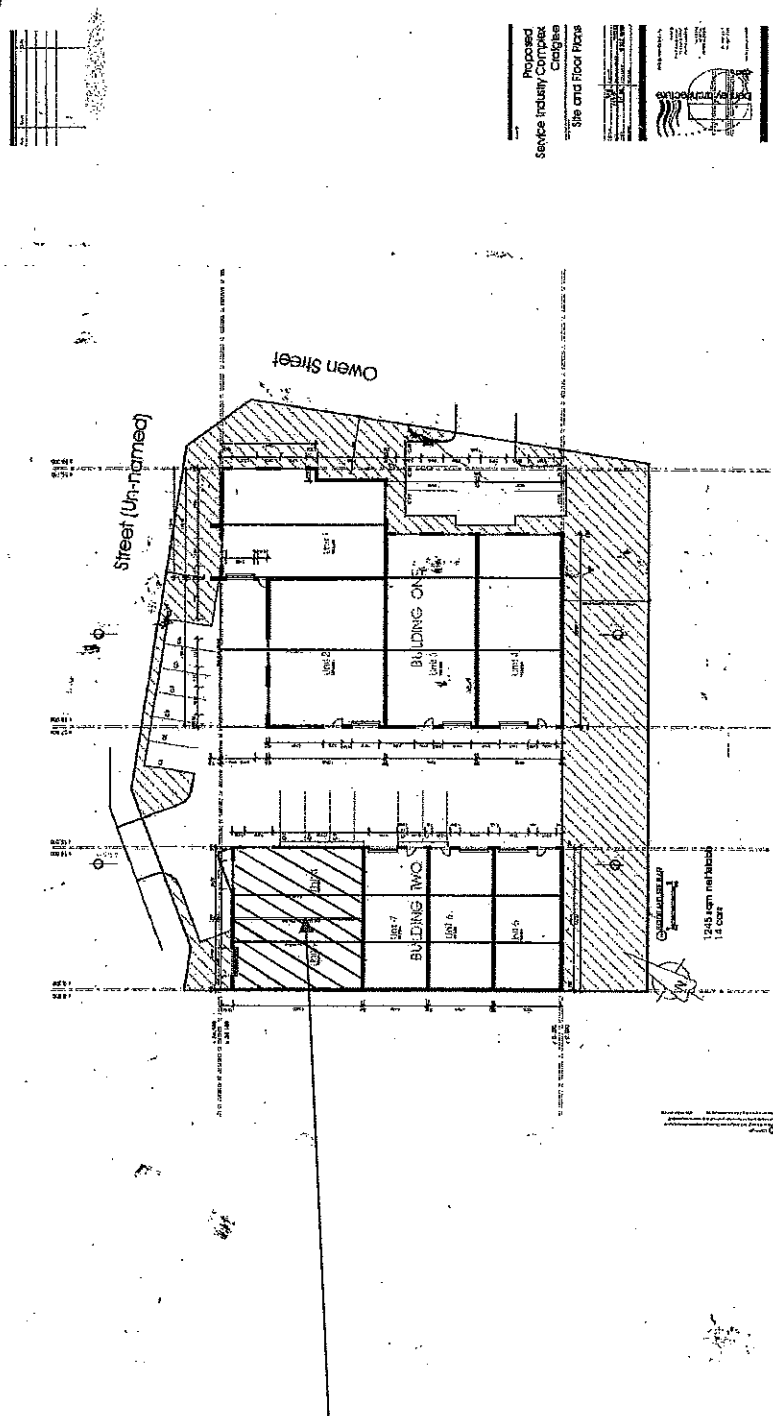
In terms of the quantity of car parks required, under the Douglas Shire Planning Scheme, the development is identified as an undefined use. However given the nature of the proposal the development has been assessed against Business Facility provisions. The development requires the provision of seven (7) off-street parking spaces, at a rate of one (1) space per 25m² of net lettable area.

It is considered that Condition 12 is reasonable and relevant to the subject application. The applicant's request for the amendment of Condition 12 is recommended for refusal.

Michelle Henderson
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

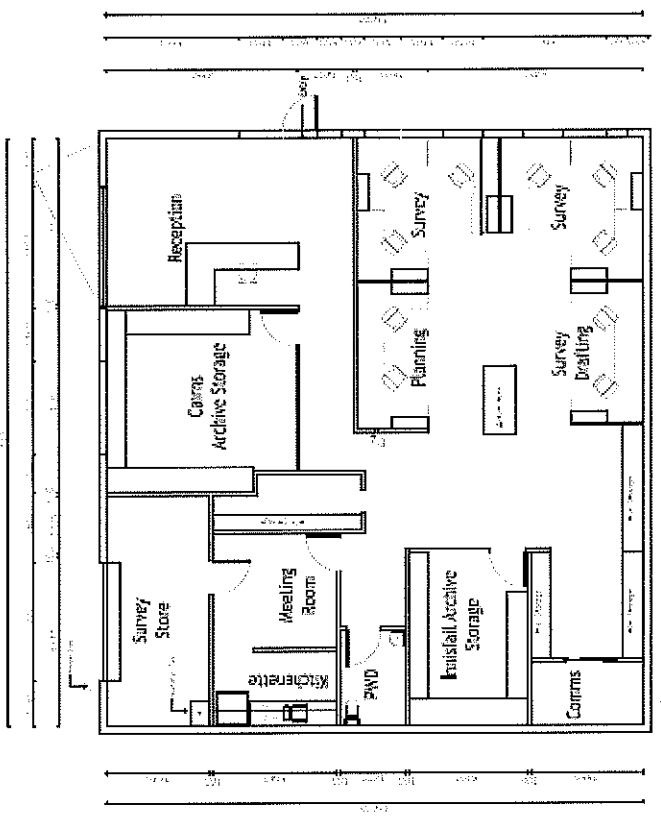
**APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)
SITE PLAN FOR EXISTING APPROVAL MCUC 013/07**



SUBJECT SITE – SHEDS 9 & 10

FLOOR PLAN FOR EXISTING APPROVAL MCUC 013/07

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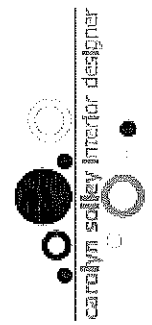
PROPOSED FLOOR PLAN

THE
OFFICE
FLOOR PLAN

DATE: 22/1/09
DRAWN BY: LEE

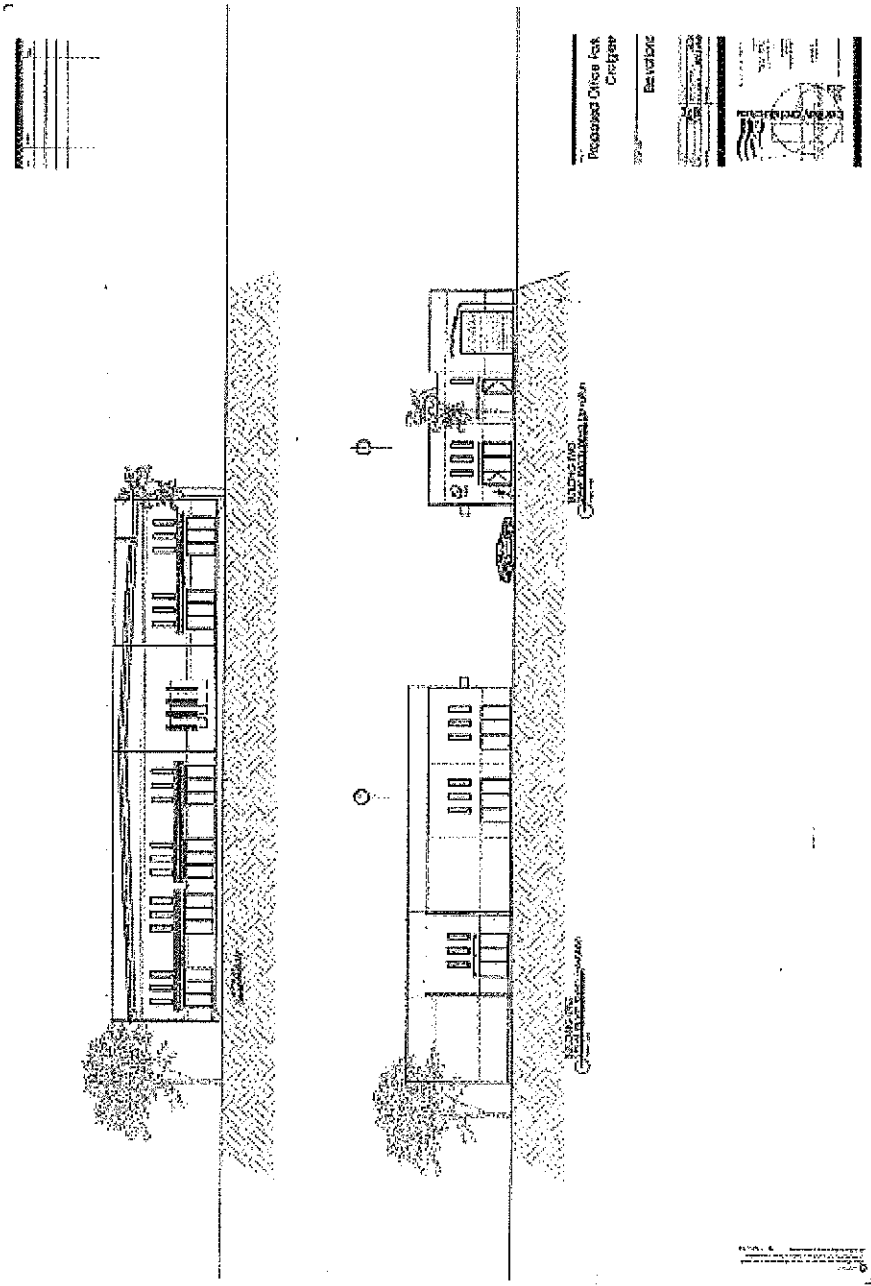
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DRAWING OFFICE AND IS NOT TO BE
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DRAWING OFFICE

DATE: 22/1/09
DRAWN BY: LEE



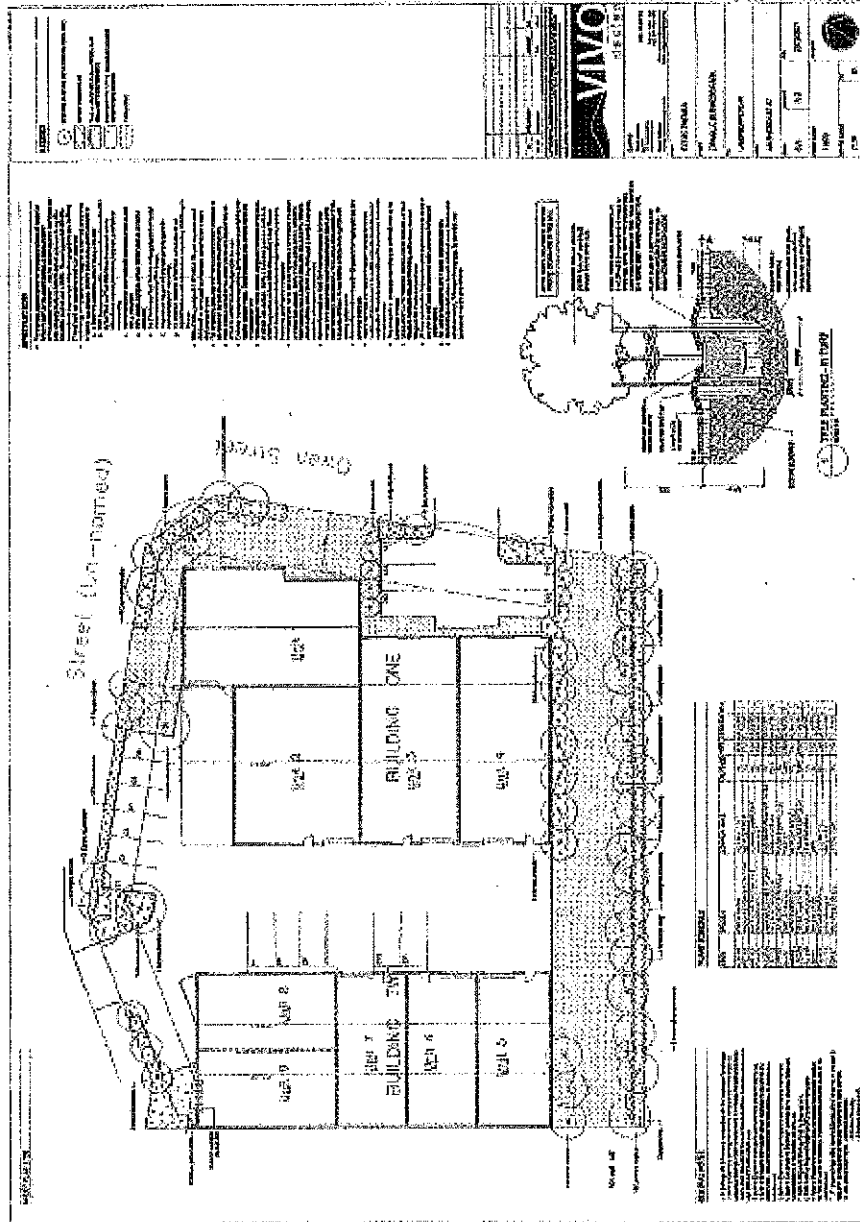
ELEVATIONS FOR EXISTING APPROVAL MCUC 013/07

Elevations

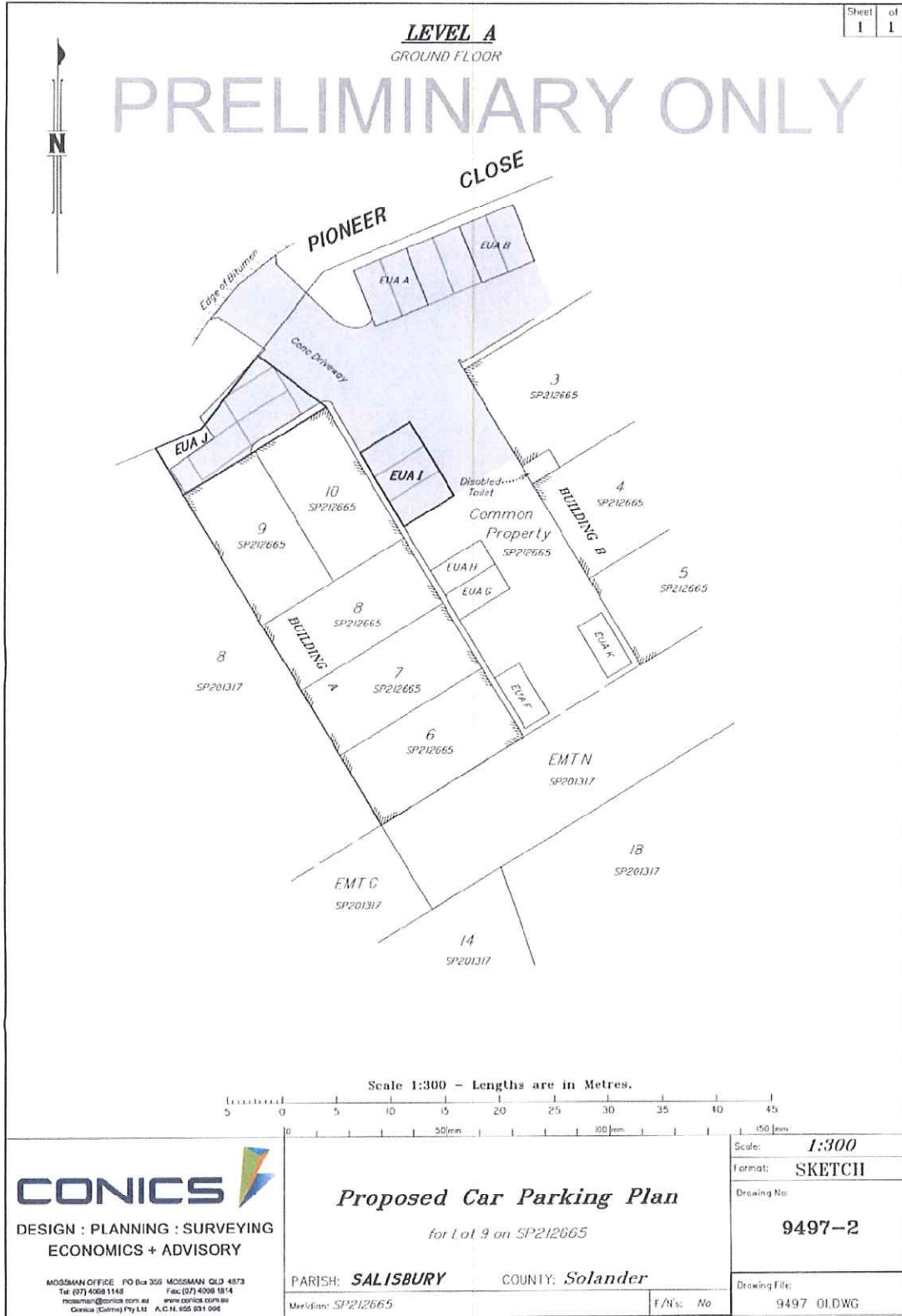


LANDSCAPE PLAN FOR EXISTING APPROVAL MCUC 013/07

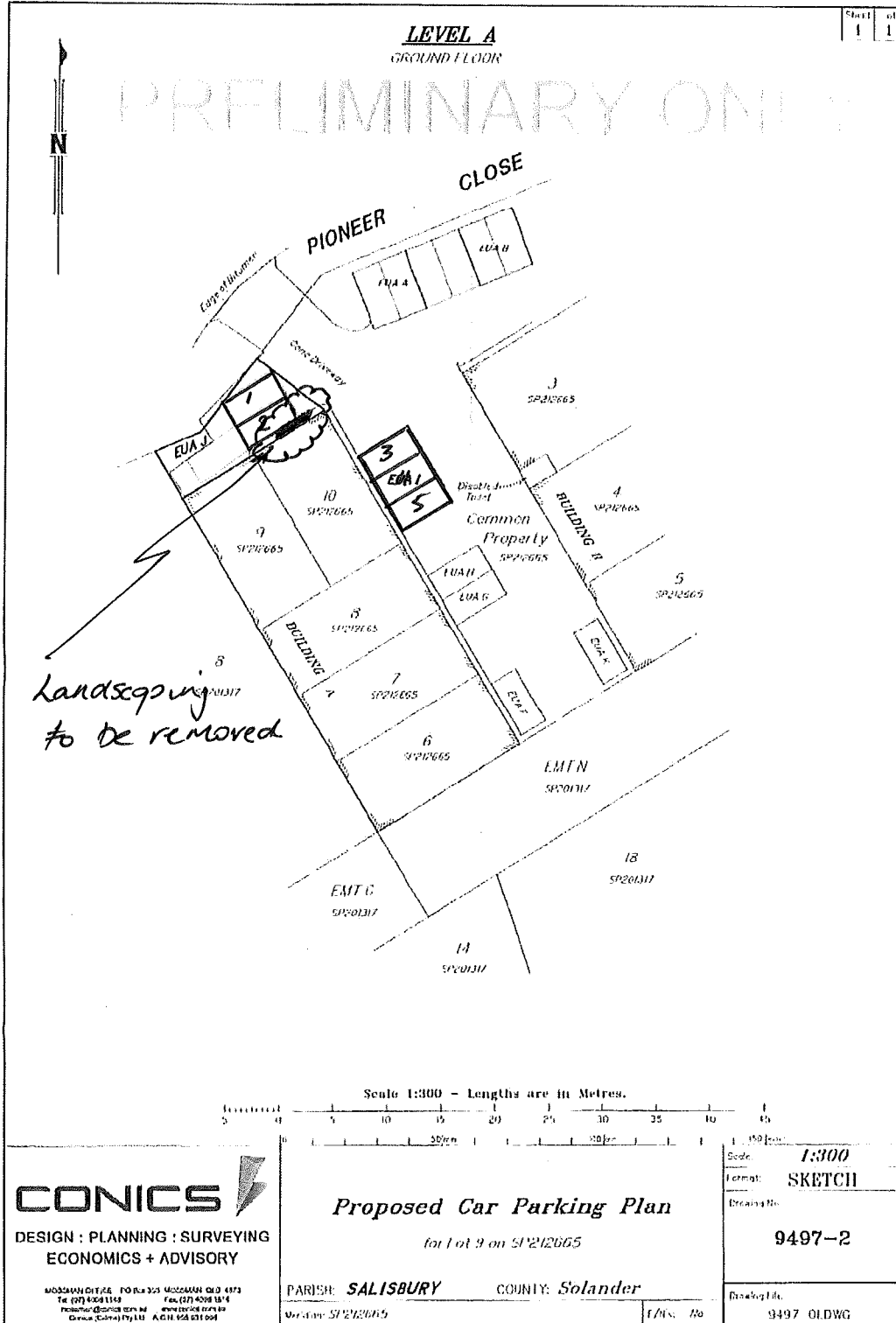
Landscape Plan



APPENDIX 2 PROPOSED CAR PARKING PLAN, DRAWING NUMBER 9497-2

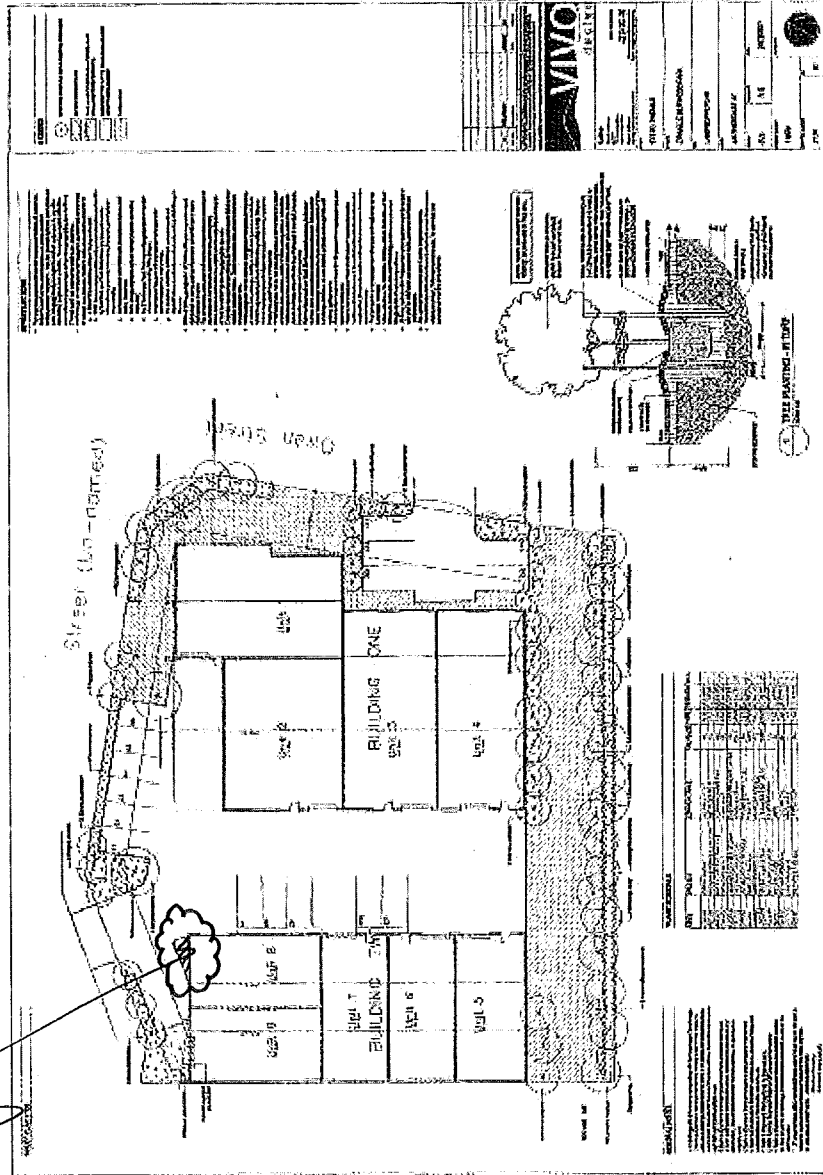


APPENDIX 2 PROPOSED CAR PARKING PLAN, DRAWING NUMBER 9497-2

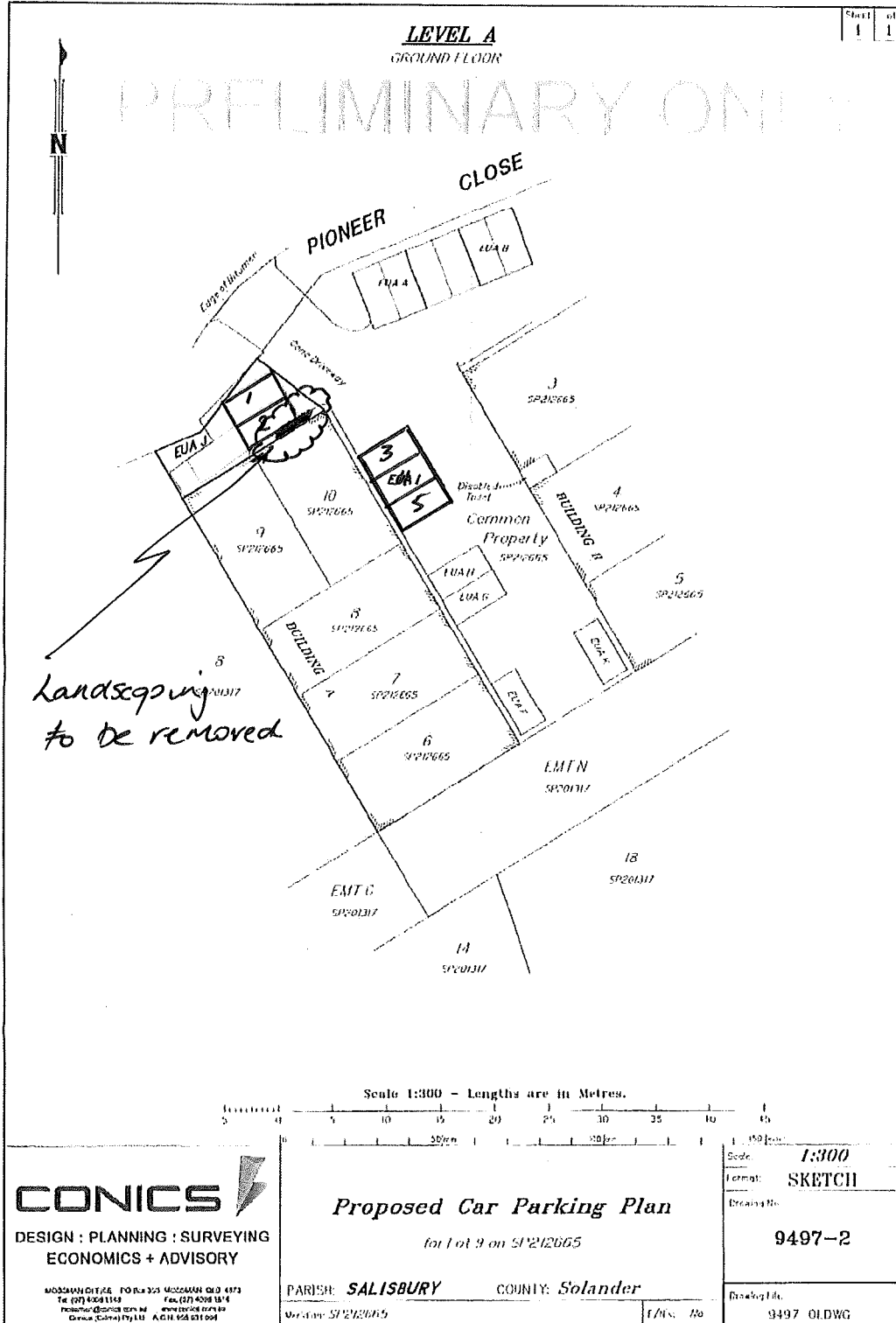


Landscape Plan

Landscape Plan

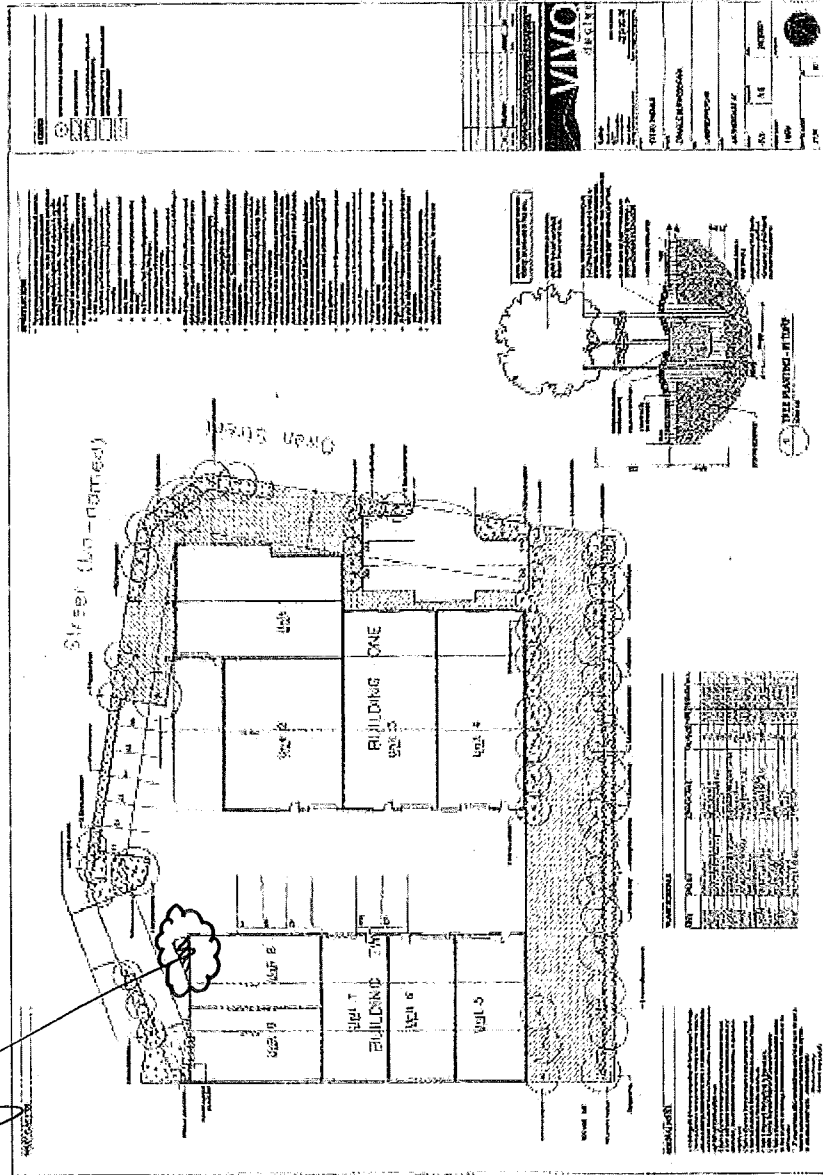


APPENDIX 2 PROPOSED CAR PARKING PLAN, DRAWING NUMBER 9497-2



Landscape Plan

Landscape Plan



Landscaping to be removed.

ORDINARY MEETING 22 JANUARY 2009	48
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NEGOTIATED DECISION FOR MATERIAL CHANGE OF USE APPLICATION FOR UNDEFINED USE (CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE & SURVEYING OFFICES WITH WORKING/STORAGE AREA) – OWEN STREET CRAIGLIE – DIVISION 10

Michelle Henderson: 8/37/93: #1932106

PROPOSAL: UNDEFINED USE (CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE & SURVEYING OFFICES WITH WORKING/STORAGE AREA)

APPLICANT: CONICS (CAIRNS) PTY LTD
PO BOX 1949
CAIRNS QLD 4870

LOCATION: OWEN STREET, CRAIGLIE 4877

PROPERTY: LOT 9 ON RP201317 (UTILISING SHEDS 9 & 10)

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: INDUSTRY (SERVICE INDUSTRY PRECINCT)

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2006

REFERRAL AGENCIES: DEPARTMENT OF MAIN ROADS

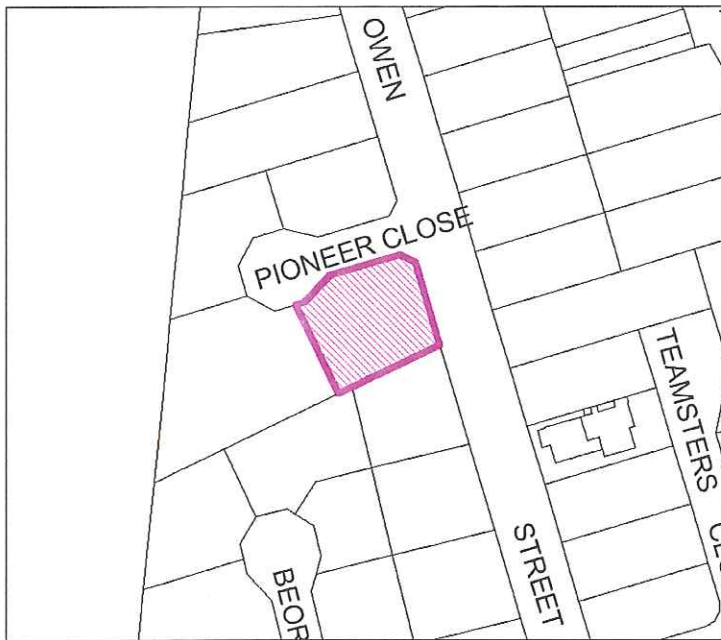
NUMBER OF SUBMITTERS: NO SUBMISSIONS WERE RECEIVED

STATUTORY ASSESSMENT DEADLINE: NOT APPLICABLE

DIVISION: 10

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. DEPARTMENT OF MAIN ROADS CONDITIONS

LOCALITY PLAN**RECOMMENDATION:**

That Council refuse the Request for a Negotiated Decision for the development application for an Undefined Use (Consultant Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) over land described as Lot 9 on RP201317, located at Owen Street, Craiglie, on the following grounds:

- a. Condition 12 is considered to be reasonable and relevant.

EXECUTIVE SUMMARY:

On the 27 November 2008 Council approved a Development Application for an Undefined Use (Consultant Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) on land located at Owen Street, Craiglie subject to conditions. The applicant seeks an amendment to Condition 12, which pertains to the provision of vehicle parking.

PLANNING CONSIDERATIONS:

Condition 12 currently reads:

The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces to be accommodated onsite and where necessary on the adjoining Lot 8. Evidence of a lease agreement (or similar) for vehicle parking on Lot 8 is to be provided to Council's Chief Executive Officer. The use shall cease to have effect upon cessation of the car parking agreement.

Applicant's Comment

The Applicant requests that Condition 12 be amended to read:

A minimum of six (6) spaces to be accommodated onsite as illustrated on Conics drawing 9497-2.

The Applicants request is based on a proposed car parking plan, drawing number 9497-2 which is attached at Appendix 2. The proposed car parking plan indicates that there are a total of six (6) exclusive use parking spaces at the disposal of the Applicant. The proposed plan submitted by the Applicants indicates that in addition to the three (3) car parking spaces located to the front of Unit 10, three (3) additional vehicle spaces can be accommodated in the area identified as Exclusive Use Area J. The Applicants submit that the six (6) car parks indicated, in addition to the two (2) 'common' car parks provided for the entire complex will be sufficient for the proposed use.

In addition the Applicants put forward that Conics have a large proportion of 'field vehicles' which are not on site for the majority of any particular business day and that a large number of Conics staff travel to and from work in vehicles that are used for 'field' purposes, and are thus off site for the majority of any given business day. Lastly, the Applicants suggest that a large proportion of the use consists of storage, which does not generate a high level of demand for parking spaces.

Officer's Comment

The basis of the Applicants request to amend Condition 12 is the assertion that the area identified as Exclusive Use Area J (EUA J) on proposed car parking plan 9497-2 is for the exclusive use of Conics and therefore is able to be utilised for the purpose of additional car parking.

On 20 July 2007 Council approved a Negotiated Decision Notice for a Material Change of Use for a Service Industry Complex, reference number MCUC 013/07. Construction of the approved development has now been completed. The approval was for 1245m² of net lettable area of Service Industry use, comprising of a total of ten (10) Sheds, sixteen (16) onsite car parks and landscaping in accordance with the Douglas Shire Planning Scheme. The approved site plan is attached at Appendix 1 of this report.

The existing approval indicates that the area (which has been identified by the Applicants as Exclusive Use Area J) is designated on the approved plan of development as an onsite driveway and loading area.

In referring to the Douglas Shire Planning Scheme, Performance Criterion P15 of the Vehicle Parking and Access General Code requires on-site driveways, manoeuvring areas and vehicle parking/standing areas are designed, constructed and maintained such that they are available at all times they are required. Further, the relevant Acceptable Solution states that "...parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking".

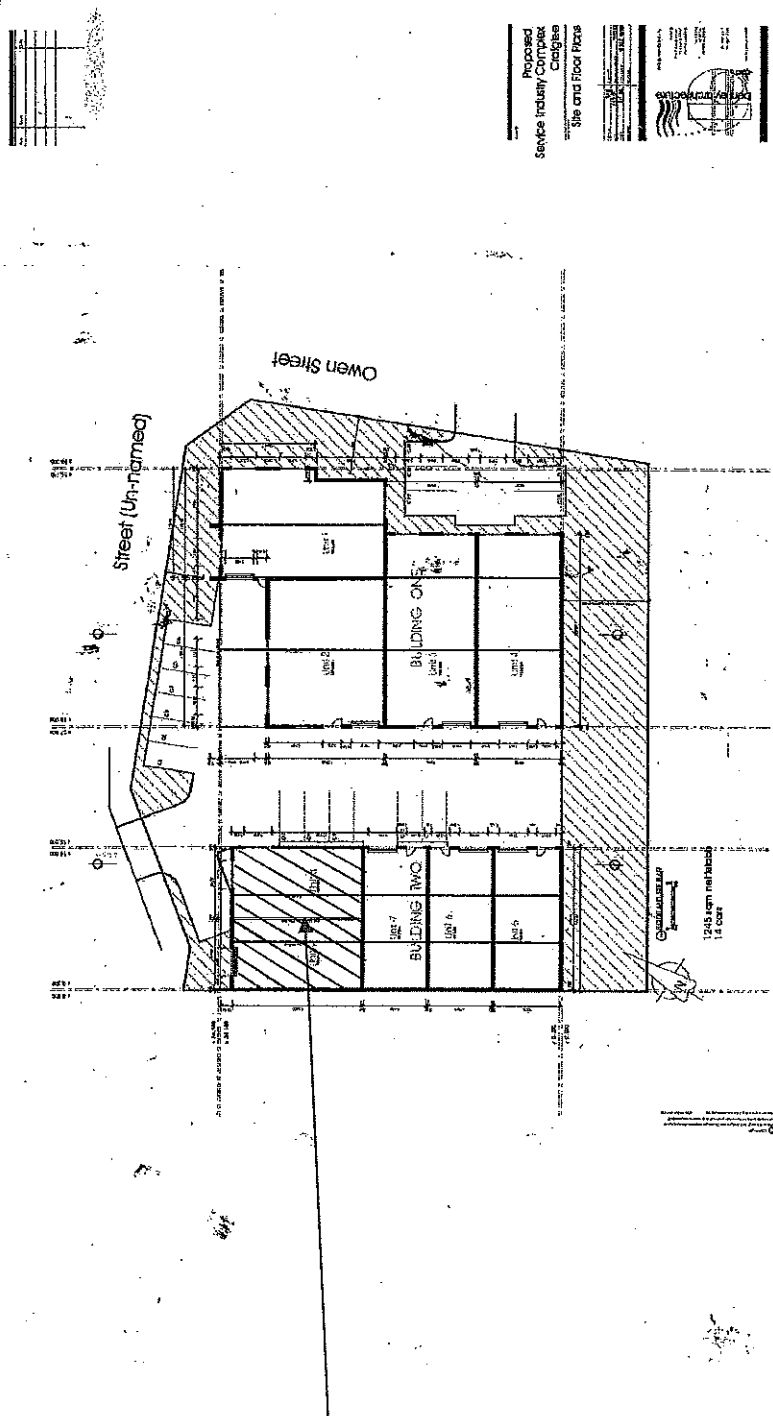
In terms of the quantity of car parks required, under the Douglas Shire Planning Scheme, the development is identified as an undefined use. However given the nature of the proposal the development has been assessed against Business Facility provisions. The development requires the provision of seven (7) off-street parking spaces, at a rate of one (1) space per 25m² of net lettable area.

It is considered that Condition 12 is reasonable and relevant to the subject application. The applicant's request for the amendment of Condition 12 is recommended for refusal.

Michelle Henderson
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

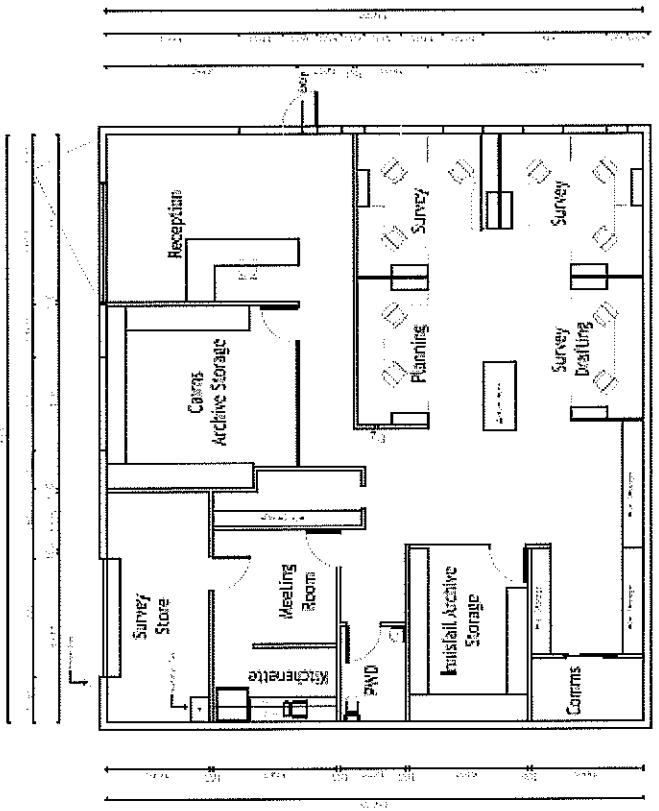
**APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)
SITE PLAN FOR EXISTING APPROVAL MCUC 013/07**



SUBJECT SITE – SHEDS 9 & 10

FLOOR PLAN FOR EXISTING APPROVAL MCUC 013/07

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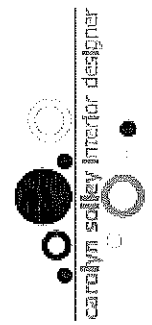
PROPOSED FLOOR PLAN

THE
OFFICE
FLOOR PLAN

100%
COMPLETED
DATE: 1/1/07
BY: LEE

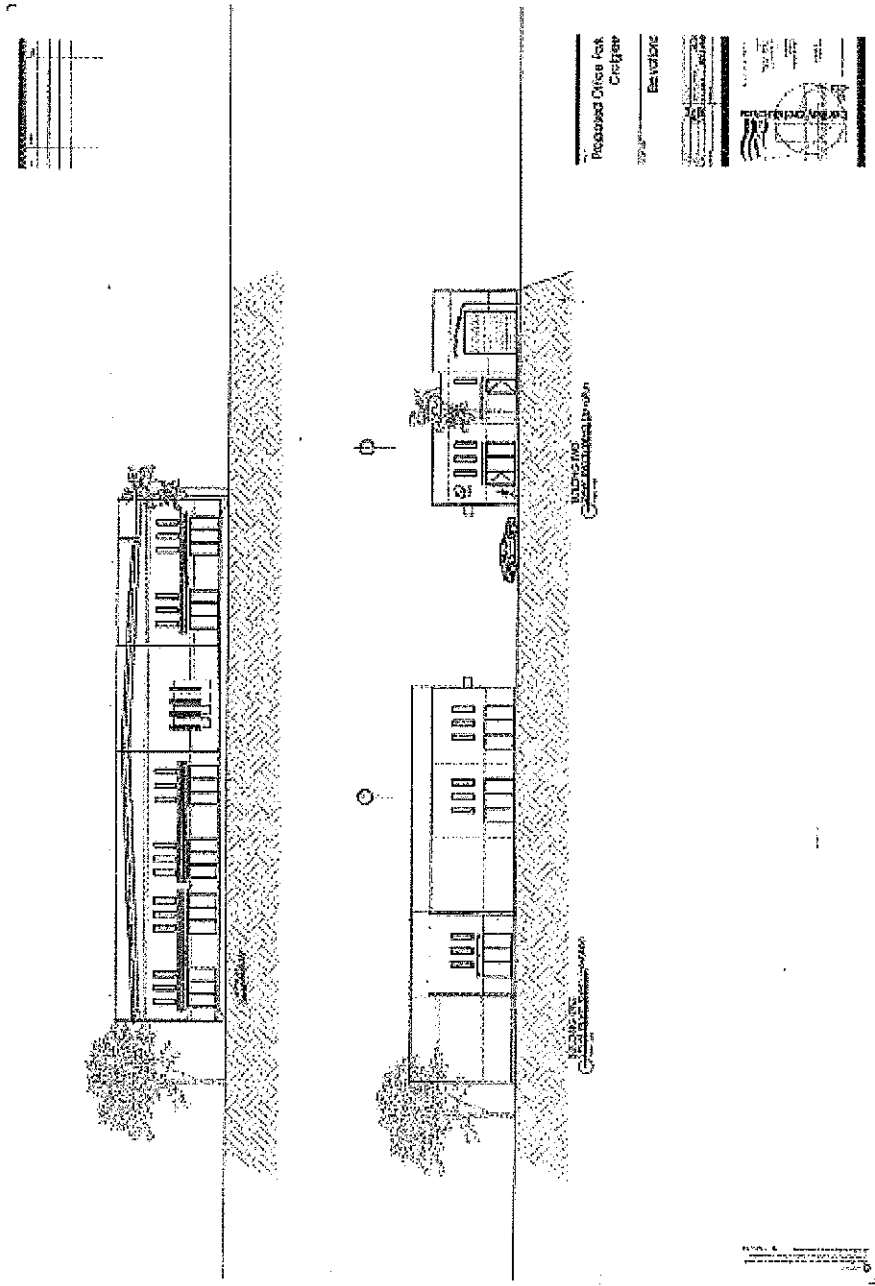
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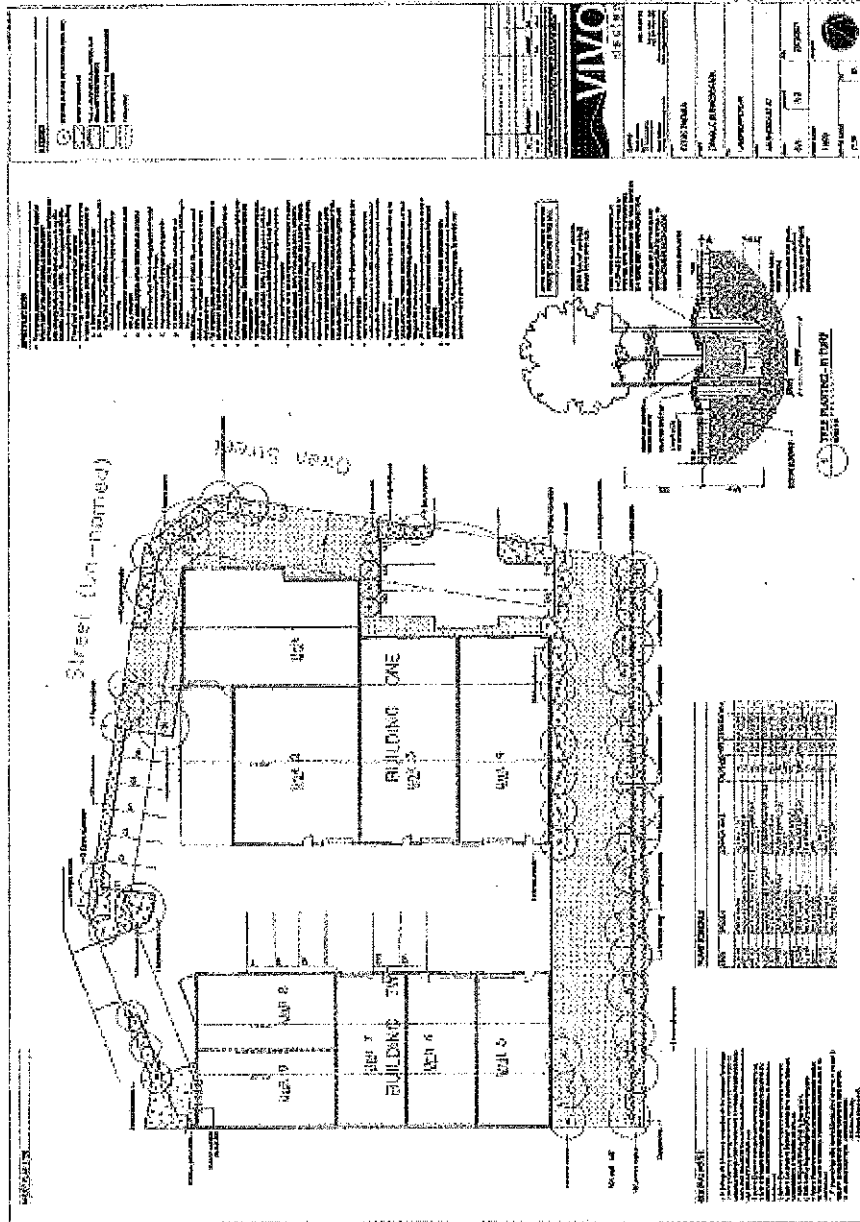
ELEVATIONS FOR EXISTING APPROVAL MCUC 013/07

Elevations

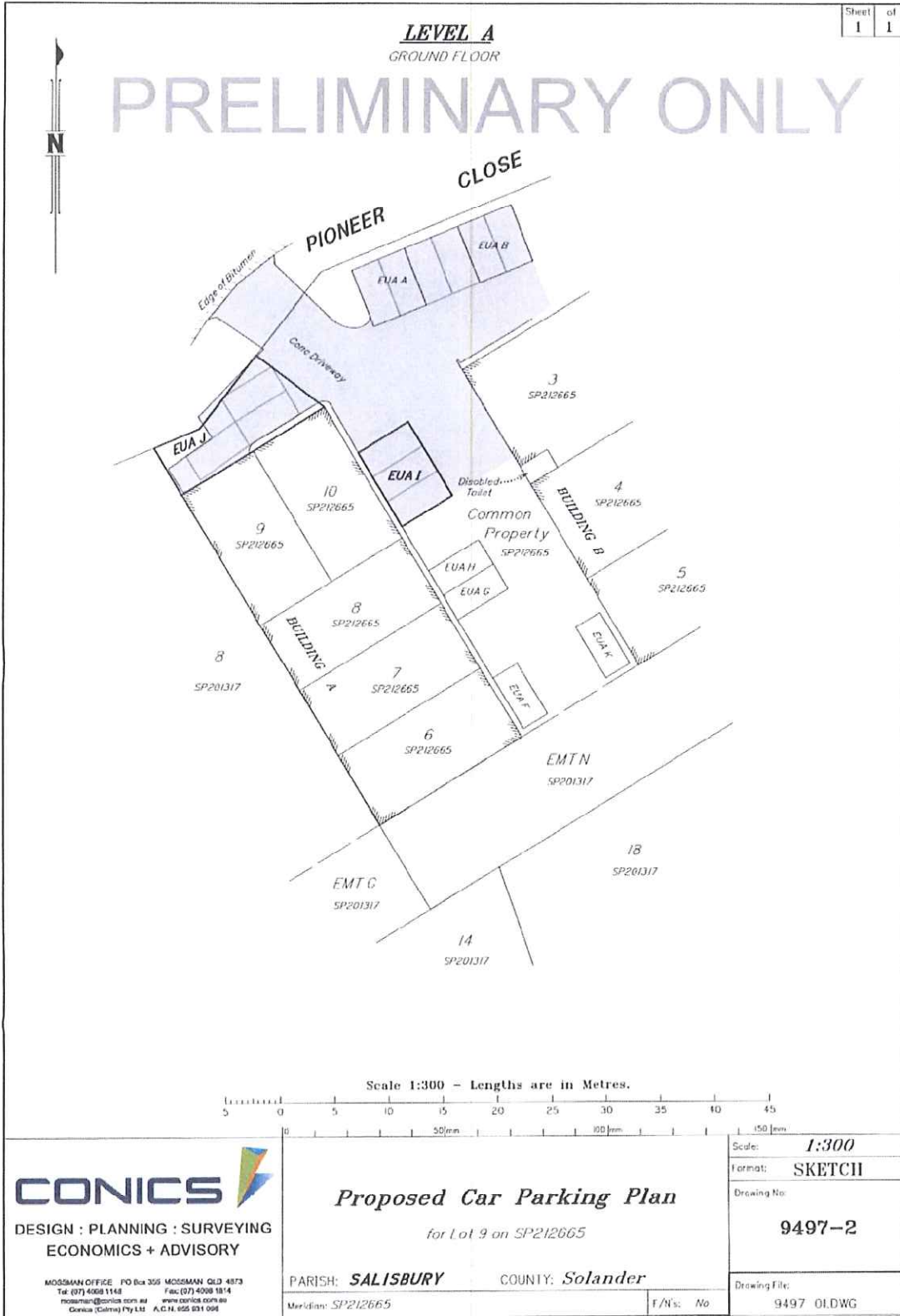


LANDSCAPE PLAN FOR EXISTING APPROVAL MCUC 013/07

Landscape Plan



APPENDIX 2 PROPOSED CAR PARKING PLAN, DRAWING NUMBER 9497-2



ORDINARY COMMITTEE 27 NOVEMBER 2008	13
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MATERIAL CHANGE OF USE APPLICATION FOR UNDEFINED USE (CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE & SURVEYING OFFICES WITH WORKING/STORAGE AREA) – OWEN STREET CRAIGLIE – DIVISION 10

Michelle Henderson: 8/37/93: #1688772

PROPOSAL: UNDEFINED USE (CONSULTANCY – PLANNING, LANDSCAPE ARCHITECTURE & SURVEYING OFFICES WITH WORKING/STORAGE AREA)

APPLICANT: CONICS (CAIRNS) PTY LTD
PO BOX 1949
CAIRNS QLD 4870

LOCATION: OWEN STREET CRAIGLIE 4877

PROPERTY: LOT 9 ON RP201317 (UTILISING SHEDS 9 & 10)

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: INDUSTRY (SERVICE INDUSTRY PRECINCT)

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2006

REFERRAL AGENCIES: DEPARTMENT OF MAIN ROADS

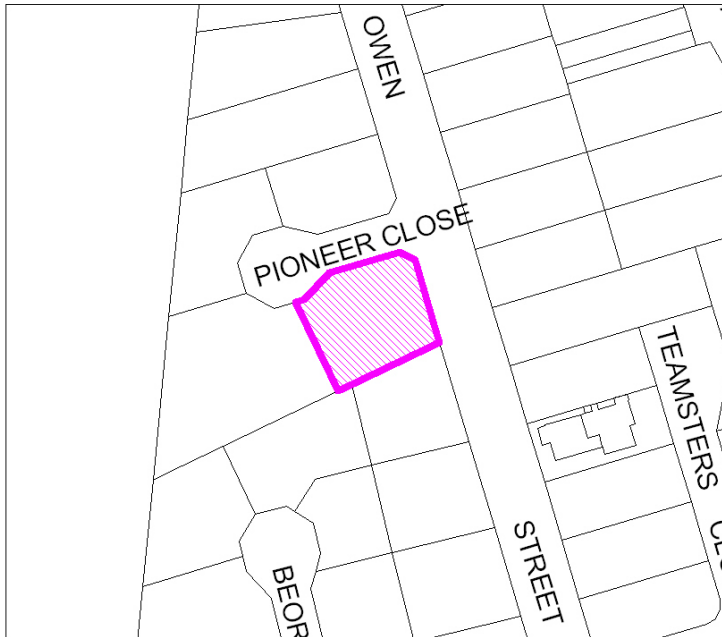
NUMBER OF SUBMITTERS: NO SUBMISSIONS WERE RECEIVED

STATUTORY ASSESSMENT DEADLINE: EXPIRED

DIVISION: 10

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. DEPARTMENT OF MAIN ROADS CONDITIONS

LOCALITY PLAN**RECOMMENDATION:**

That Council approve the above Development Application for a Material Change of Use for the purpose of an Undefined Use (Consultancy – Planning, Landscape Architecture & Surveying Offices With Working/Storage Area) – Lot 9 on RP201317 described as Owen Street Craiglie, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan		
Conics Office Floor Plan	WD_01	5 September 2008
Landscaping Plan		

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual; and

Except where modified by these conditions of approval

Limitation of Approval

- 2. This approval is limited to the establishment of the land use described as Planning, Landscape Architecture & Survey Offices with associated equipment storage areas only as detailed in Development Application 8/37/93. The approval does not permit the establishment of land uses described as Business Facilities or any other land use other than those intended to establish within the Service Industry Precinct as detailed in the Planning Scheme.**

Timing of Effect

- 3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.**

Lawful Point of Discharge

- 4. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

Water Saving

- 5. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.**

Liquid Waste Disposal

- 6. At all times liquid wastes must be disposed of to the satisfaction of Cairns Water in accordance with the Environmental Management Plan for Trade Waste.**
- 7. Vehicles can only be washed onsite when undertaken in association with a suitable interceptor facility with the capacity to deal with the wastewater generated.**

Details Of Development Signage

- 8. The development must provide clear and legible signage incorporating the street number.**

Advertising Signage

9. An Operational Works approval is required for any advertising signage proposed in association with the development. Signs on the subject land must conform with Council's Planning Scheme and Policies, to the requirements and satisfaction of the Chief Executive Officer.

Street Numbering

10. The development must provide clear and legible signage incorporating the street numbers on letterboxes and the kerbside for the benefit of the motoring public.

Storage of Machinery & Plant

11. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Vehicle Parking

12. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces to be accommodated onsite and where necessary on the adjoining Lot 8. Evidence of a lease agreement (or similar) for vehicle parking on Lot 8 is to be provided to Council's Chief Executive Officer. The use shall cease to have effect upon cessation of the car parking agreement.
13. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

EXECUTIVE SUMMARY:

Council is in receipt of an application for a Development Permit for a Material Change of Use (Impact Assessable) for Undefined Use (Consultant Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) on land located at Owen Street, Craiglie and more properly described as Sheds 9 & 10 on Lot 9 on SP201317.

PLANNING CONSIDERATIONS:

Background

Lot 83 on SR724, the parent property, was the subject of a Combined Application, reference number CA 61 which was approved 7 August 2007. The approval for CA 61 created lots 1-23, enabling a Material Change of Use for proposed lots 2 to 21 to be used in accordance with the requirements of Special Management Area 3 (Service Industry Precinct – Craiglie). Lot 9 is the subject of this application.

On 20 July 2007 Council approved a Negotiated Decision Notice for a Material Change of Use for a Service Industry Complex, reference number MCUC 013/07. Construction of the approved development has now been completed. The development was for 1245m² of net lettable area of Service Industry use, comprising of a total of ten (10) Sheds, sixteen (16) onsite car parks and landscaping in accordance with the Douglas Shire Planning Scheme.

Proposal

The proposal is for an Undefined Use (Consultancy Planning, Landscape Architecture and Surveying Offices with Associated Storage/Working Area) in the Service Industry Precinct of Craiglie. The proposal pertains specifically to Sheds 9 and 10 on Lot 9 and involves the internal fitout of an existing approved structure located within an approved Service Industry Complex.

Douglas Shire Assessment

Douglas Shire Rural Areas and Rural Settlements Planning Locality		Code Applicability	Compliance
Locality	Port Douglas and Environs Locality Code	✓	Complies – see comment below
Planning Area	Industry Planning Area Code	✓	Complies – see comment below
Overlay Codes	Acid Sulfate Soils Code	✓	Complies
	Cultural Heritage and Valuable Sites Code	✗	Not applicable
	Natural Hazards Code	✗	Not Applicable - Low Risk Hazard
General Codes	Design and Siting of Advertising Devices Code	✓	None Proposed
	Filling and Excavation Code	✓	Complies
	Landscaping Code	✓	Complies – see comment below
	Natural Areas and Scenic Amenity Code	✗	Not applicable
	Reconfiguring a Lot Code	✗	Not applicable
	Vehicle Parking and Access Code	✓	Complies – see comment below

Compliance Issues

Undefined Use

It is noted that while Conics is a business and provides professional advice, Conics provides a range of other services which are not captured under the 'Business Facilities' land use. In particular, the quasi-industrial nature of activities associated with the surveying side of the business would make location in a general commercial precinct inappropriate. In addition the applicant has indicated that many of the surveying team are often out onsite rather than located in the office. Given the nature of the proposal the use was identified as an Undefined Land Use during prelodgement discussions. The proposed use will be established in an existing approved single storey building.

The proposed development is considered to be suitable in the proposed locality. The application has been recommended for approval, subject to reasonable and relevant conditions.

Landscaping

Landscaping for the entire site (Lot 9) was approved under a prior approval, reference no. MCUI 013/07. The landscaping provided under this approval complies with the Douglas Shire Planning Scheme and therefore is not required to be addressed further.

Vehicle Parking and Access

The quantity of vehicle parking onsite was approved under a prior approval, MCUC 013/07. The relevant Acceptable Solution (pertaining to Service Industry only) required a total of fourteen (14) vehicle parking spaces to be provided, and the applicant provided sixteen (16) spaces. Whereas the prior approval took into account only Service Industry use in the calculation of vehicle parking, the proposed new use also includes an Office component, which is a more intensive use in terms of vehicle parking. Under the Douglas Shire Planning Scheme, the development is identified as an undefined use. However given the nature of the proposal the development has been assessed against Business Facility provisions. The development requires the provision of seven (7) off-street parking spaces, at a rate of one (1) space per 25m² of net lettable area. There are two (2) vehicle parks onsite allocated for the exclusive use of the Applicant, bringing the total shortfall onsite to five (5) car parks.

The Applicant has undertaken negotiations with WAKS Development Pty Ltd and has proposed that the remaining vehicle parking be provided in the adjacent Lot 8. The approval will be conditioned requiring a total of seven (7) spaces and further requiring the Applicant to undertake an agreement with the owner of Lot 8 to ensure the continuing use of a portion of Lot 8 for the purpose of vehicle parking.

Future Intensification of the Use

In order to address the potential for future intensification of the use, a condition has been added to the approval stating that the approval is limited to the establishment of the land use described as Planning, Landscape Architecture & Surveying Offices with associated equipment storage areas only as detailed in Development Application 8/37/93 and the approved plan of development.

Water and Sewerage Headworks

Water and Sewerage Headworks for the proposed development were paid under approval reference no. CA 61, therefore no further headworks are applicable.

Michelle Henderson
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

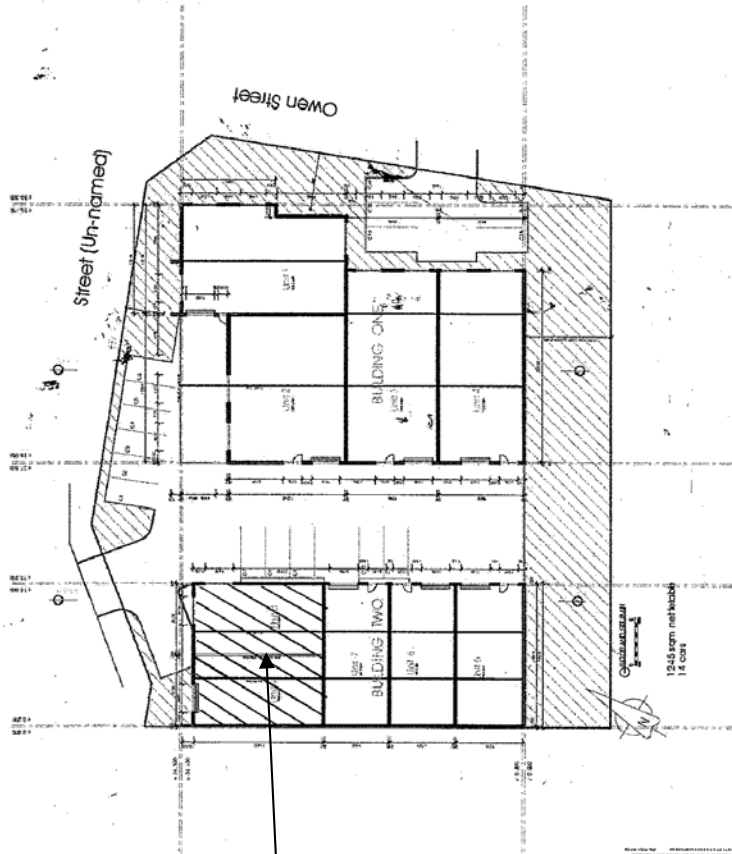
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)

Site Plan

Proposed
Service Industry Complex
Craggie
Site and Floor Plans



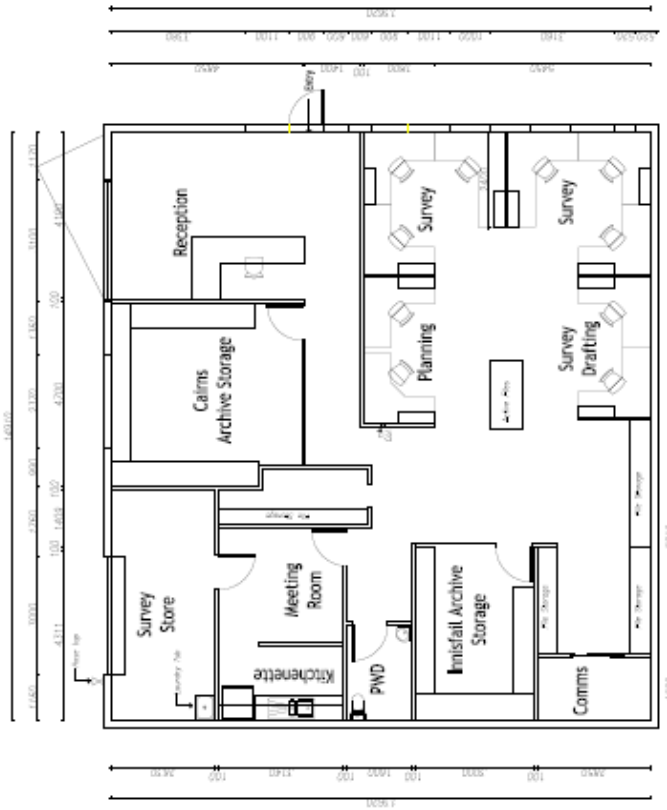
Penner Architecture
1000 10th Street, Suite 100
Edmonton, Alberta T6A 1A6
Tel: 780.443.1111
Fax: 780.443.1112
www.pennerarchitecture.com



SUBJECT SITE – SHEDS 9 & 10

Floor Plan

SCALE
 1:100
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PROPOSED FLOOR PLAN
 1:100

THE OFFICE
 Offices C+B
 Mossingham
 Owen Street
 CRAIGLEE

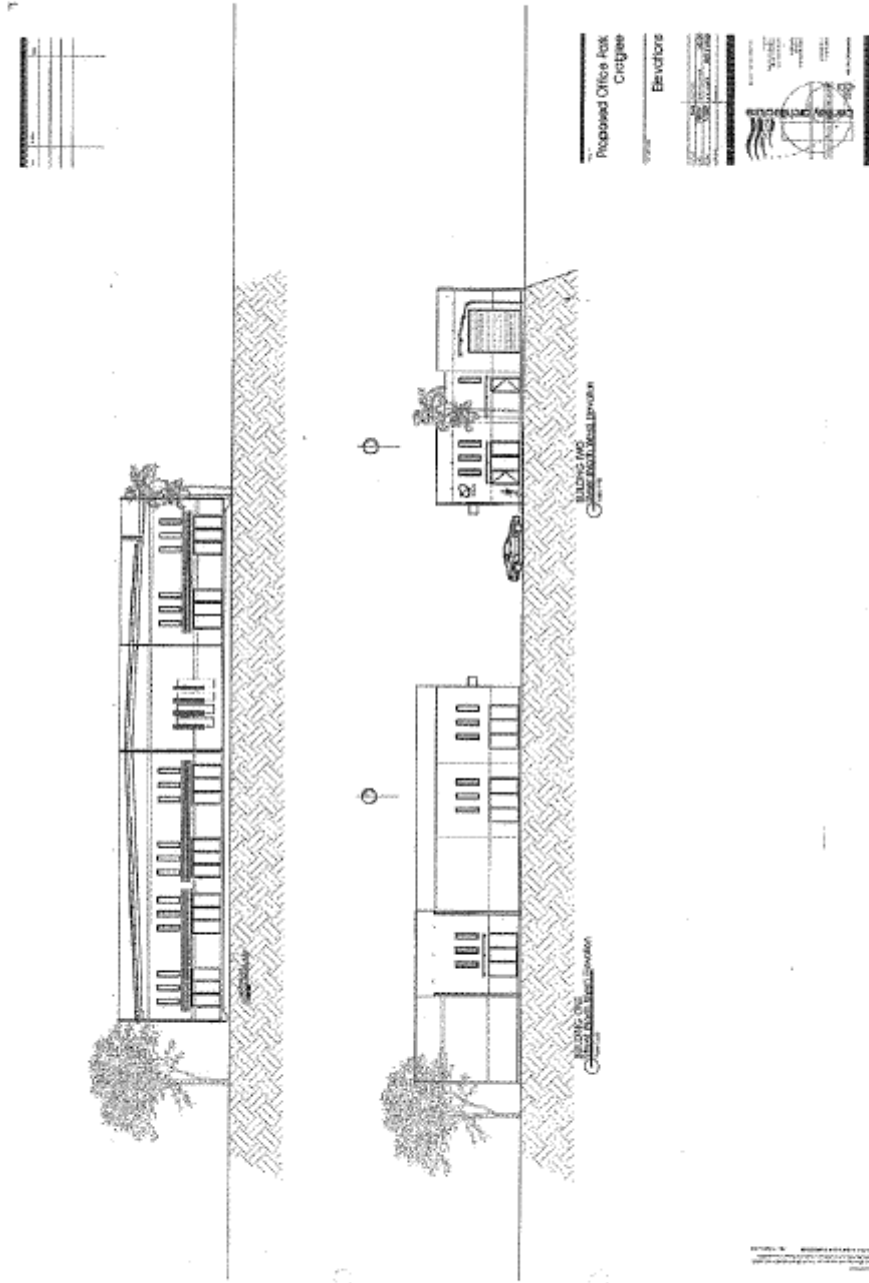
Scale: 1:100 @ A3
 Date: 05.05.2008
 Drawing No: WD_01

PO Box 1676
 TORRINGTON QLD 4066
 T 0413 783 247
 F 07 3858 3309
 e carolyn@solley.com.au



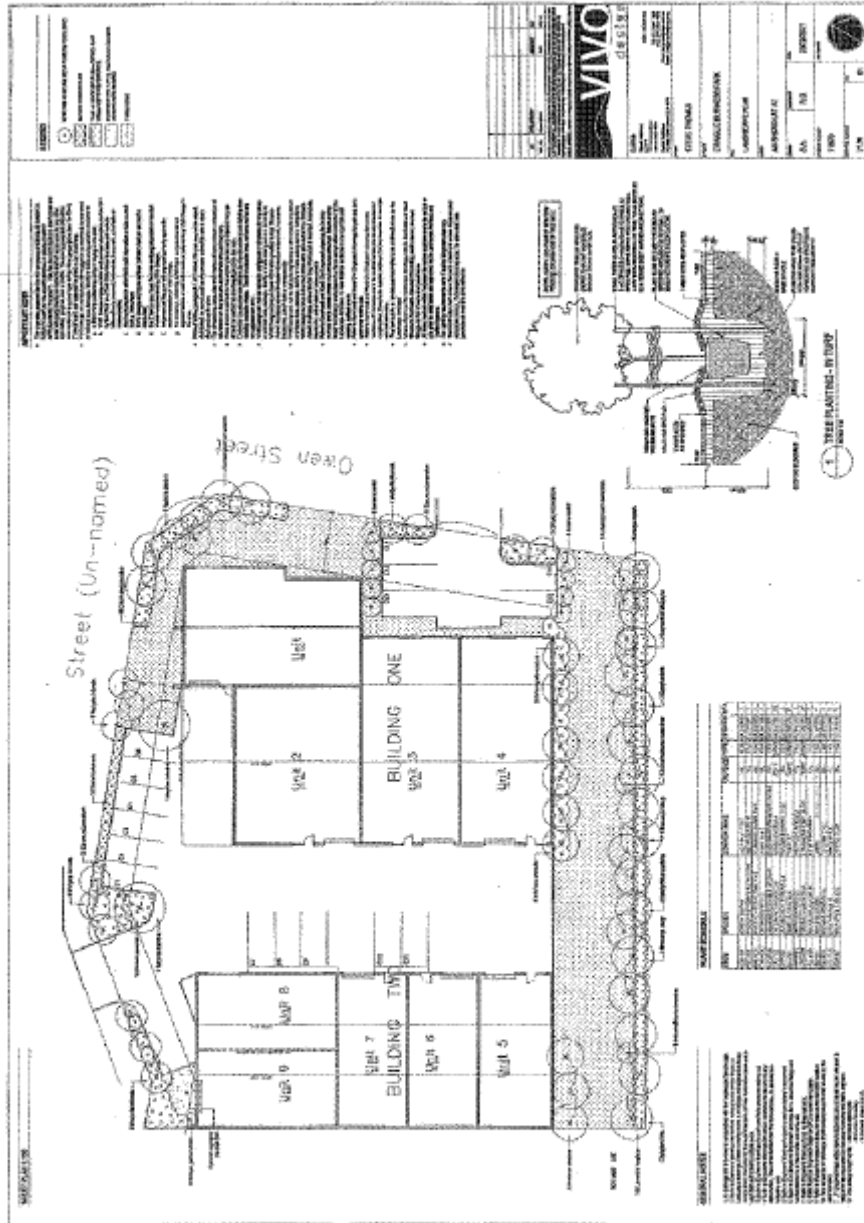
Elevations

Elevations



Landscape Plan

Landscape Plan



APPENDIX 2 CONCURRENCE AGENCY CONDITIONS

Department of Main Roads Conditions



Department of Main Roads

21 March 2007

Mr T Melchert
 Chief Executive Officer
 Douglas Shire Council
 PO Box 357
 Mossman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	TCU1
DOCUMENT NO.	23 MAR 2007
INSTRUCTIONS	
ATTENTION	TCU1
INFORMATION	

Dear Mr Melchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)
 Situated at Owen Street, Cairns
 Part Lot 83 on SR 724, Parish of Salisbury
 Wake Developments Pty Ltd
 Proposed Material Change of Use (Service Industry) Application
 Concurrence Agency's Response (conditions apply)

I refer to the above application received at the Department 20 March 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via Boor Street and Owen Street, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed at the western end of Dickson Street to prevent traffic linking between Owen Street and Dickson Street.
- (ii) No direct access between the State-controlled road reserve (i.e. Captain Cook Highway) and the subject land is permitted.

2. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

North Queensland Region
 Pastreco District
 PO Box 9185
 CAIRNS Queensland 4870
 ABN 87 835 737 711

Serial 4920A1032826.0281
 Year ref MCUC 01367
 Engineer MALCOLM HARDY
 Telephone 461 7 4939 4111
 Facsimile 461 7 4050 5490

DataWorks Document Number: 446285

-2-

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Application Referrals and Assessment Guide; and
- Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



David Hubner
MANAGER (TRANSPORT PLANNING) PENINSULA